

NTSB Order No. EM-191

Issued under delegated authority (49 C.F.R. 800.24)
on the 7th day of January, 2002

Docket ME-172

²The Coast Guard has filed a response opposing the motion for reconsideration.

as the Board's order reflects no such requirement. The issue in this matter is not whether appellant needed to file an appeal with the Board before pursuing all avenues of potential relief from the Commandant. Of course he did not have to. He simply needed to initiate any attempt for further consideration of the Commandant's final decision before the time period for appealing it to the Board ran out. No reason, much less any justification amounting to good cause, appears either on this record or in appellant's pleadings here for that failure.³

ACCORDINGLY, IT IS ORDERED THAT:

The appellant's motion for reconsideration of the order dismissing his appeal as untimely is denied.⁴

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³Good cause, contrary to the implication of appellant's motion, is the Board's standard for extending the time for a notice of appeal in *either* a marine or an aviation case. See, e.g., Administrator v. Hooper, 6 NTSB 559 (1988), *aff'd* 948 F.2d 781 (D.C. Cir. 1991)(aviation) and Commandant v. Grace, 7 NTSB 1402 (1991), *reconsideration denied*, 7 NTSB 1403 (1991), *aff'd*, Grace v. NTSB, No. 91-5096 (5th Cir. 1992)(marine); see also Rule 825.5(a), 49 C.F.R. Part 825.

⁴We note that the appellant, without awaiting a decision on his motion for reconsideration, filed a petition for review of the Board's dismissal order in the U.S. Court of Appeals for the Eleventh Circuit. This denial of reconsideration is issued subject to such leave of Court as may be necessary.